# PIC- Cyberbullying

## 1NC

### 1NC: Generic

#### Counterplan Text: Public colleges and universities in the United States ought not restrict constitutionally protected speech, except for cyberbullying.

#### Constitutionally protected free speech includes cyberbullying

**Hudson 16** [David Hudson, "Is cyberbullying free speech?," American Bar Association Journal, 11/1/2016]

Bishop was convicted in state district court and state superior court. The North Carolina Court of Appeals affirmed the superior court conviction and rejected Bishop’s First Amendment challenge to the law. According to the appeals court, the law regulated conduct, not speech. Even if the law reached speech, its impact was only incidental. On further appeal, the North Carolina Supreme Court recognized that the law directly criminalizes speech. “Posting information on the internet—whatever the subject matter—can constitute speech as surely as stapling flyers to bulletin boards or distributing pamphlets to passersby—activities long protected by the First Amendment,” the high court wrote. The court also determined in State v. Bishop that this criminal law that targets speech has to pass strict scrutiny, the highest form of judicial review. The North Carolina high court reasoned that states have a compelling interest in protecting minors “from physical and psychological harm.” However, the court determined the law had many problems. The court noted that the law did not require that the subject of an online post suffer an injury as a result of the post. Thus, the law “sweeps far beyond the state’s legitimate interest in protecting the psychological health of minors.” The court also noted that the law failed to define the key terms intimidate or torment, which the state contended should be defined as “to make timid, fill with fear” and “to annoy, pester or harass,” respectively. “The protection of minors’ mental well-being may be a compelling governmental interest, but it is hardly clear that teenagers require protection via the criminal law from online annoyance,” the court wrote. “However laudable the state’s interest in protecting minors from the dangers of online bullying may be, North Carolina’s cyberbullying statute ‘create[s] a criminal prohibition of alarming breadth.’ “ UCLA law professor and free-speech expert Eugene Volokh, who filed an amicus brief on behalf of the Electronic Frontier Foundation, says the North Carolina law criminalized much of protected speech. He explains that the law could cover “a girlfriend’s excoriating her cheating ex-boyfriend on a Facebook post or people emailing each other about some high school cheating scandal.” “Such restrictions on people’s ordinary self-expression and discussion can’t be proper,” Volokh says. “Indeed, it seems quite likely that giving a teenager a criminal record for such speech would itself be extremely distressing and in rare cases can itself lead to suicide. People should be nice to each other, but the law can’t enforce such a requirement, even in the interests of protecting minors.”

#### Cyber-bullying causes suicide, depression, and rights abuses- the culture of violence prevents individuals from desiring help

**LaMotte 15** [Sandee Lamotte (reporter at Cnn)"The health risks of cyberbullying in college," CNN, 3/3/2015]

"I hope she sees this and kills herself." - message to Amanda Todd "The world would be a better place without you." - message to Megan Meier Infamous quotes from famous cases of teenage cyberbullying, each ending tragically with the victim taking her life. Heartbreaking cases like these galvanized research and today much more is known about the damaging effects of cyberbullying among middle and high school students -- including an increased risk for depression, substance abuse, suicidal thoughts, hostility and delinquency. What about college students? After all, they're the most frequent users of digital technology and social media sites. Will their increased maturity and experience keep them safe? Not so much, according to a new study from the University of Washington. Questioning 265 girls enrolled in four colleges, researchers found college-age females just as likely to suffer the negative effects of cyberbullying as younger adolescents. "That's a jump off the page," said study co-author Dr. Megan Moreno. "This is the type of bullying that is going beyond those childhood and adolescent years and into young adulthood." The study found college girls who reported being cyberbullied were three times more likely to meet clinical criteria for depression. And if the cyberbullying was connected to unwanted sexual advances, the odds of depression doubled. "A six-fold increase in the odds for depression when there was fallout from unwanted sexual advances or fallout from a romantic relationship was very striking," said Moreno. "These are not innocuous actions. These are actions that really can trigger depression and really can lead to damage to the people who are involved. " A 2014 survey about online harassment by the Pew Research Center found 26% of 18-24 year-old-women say they've been stalked online, while 25% say they were the target of online sexual harassment. "Some people have hypothesized that cyberbullying in that context -- unwanted sexual advances — really starts to look like it should be on the spectrum of sexual violence rather than bullying," said Moreno. Cyberbullies suffer too. Girls who bully have a four times higher risk for depression than those who don't. The study also found they're also more likely to have a drinking problem. "For problem alcohol abuse, it was really the bullies that struggled, and not the victims," said Moreno. The study didn't take a look at other mental health impacts, such as suicidal thoughts. Moreno says that was deliberate. "Those cases are so extreme — and they are so horrible — but at the same time what we were hearing [from girls] in our studies is this is something that is happening all the time to a lot of us and we want to know what else can happen," said Moreno. "If we don't kill ourselves are we at risk for something else?" is a frequent question Moreno hears. "Is there something else bad that happens to me as a victim, or does something bad happen to that bully that's been picking on me?" Girls who experience cyberbullying are encouraged to get help by visiting their college clinic to talk about their experience, their growing feelings of depression or their substance abuse. "There are potential health impacts," says Moreno. "This should be in the public health arena. Girls should not feel like they can't go to clinic and talk about their feelings." Atlanta advocate Helen Ho agrees. She's the founding director of Asian Americans Advancing Justice and spends a good deal of her time on cyberbullying issues. Research shows Asian Americans are digitally bullied at least four times as often as other ethnicities. One of the frustrating things about being an advocate against cyberbullying," says Ho, "is that a lot of people don't realize how intense cyberbullying can be in this kind of high-technology age and the physical as well as mental impact it can have." "For many of us who are adults and didn't grow up with online access, we can see that distinction between online and offline very clearly," adds Moreno. "But for youth, there isn't a distinction. We used to say either online or real world, and youth say 'No, no, you don't get it, online IS my real world'."

#### Cyber-bullying also has physical and educational impacts

**Johnson et-al 16** [Lakitta D. Johnson, Alfonso Haralson, Sierra Batts, Ebonie Brown, Cedric Collins, Adrian Van Buren-Travis, and Melissa Spencer. (Johnson, Lakitta D., is an associate professor at Jackson State University in the Department of Counseling, Rehabilitation and Psychometric Services. Her current research interests include therapeutic communication, co-occurring disorders, African American students’ retention, dropout prevention, cyberbullying, and technology’s influence on children. Haralson, Alfonso, is an assistant professor at Jackson State University in the Department of Counseling, Rehabilitation and Psychometric Services. His research interests include adolescent males with emotional and behavioral disorders, students’ response to campus violence, and the impact of online learning on nontraditional students. Batts, Sierra, is a Clinical Mental Health Counseling major at Jackson State University in the Department of Counseling, Rehabilitation and Psychometric Services. Her experience includes working in an outpatient mental health facility. Brown, Ebonie, is a Rehabilitation Counseling major at Jackson State University in the Department of Counseling, Rehabilitation and Psychometric Services. Collins, Cedric, is a doctoral student at the University of Arkansas and a graduate of the Department of Counseling, Rehabilitation and Psychometric Services. His dissertation research focuses on the influence of homosexual disclosure on effective counseling services. VanBuren-Travis, Adrian, is a Clinical Mental Health Counseling major at Jackson State University in the Department of School, Community, and Rehabilitation Counseling. She currently is training with children, adolescents, and families. Spencer, Melissa is a Clinical Mental Health Counseling major at Jackson State University in the Department of School, Community, and Rehabilitation Counseling. Her experience includes working in an inpatient psychiatric facility.) “Cyberbullying on Social Media Among college Students” VISTAS Online. ACA Knowledge Center. 2016] NB

The negative impacts of cyberbullying are numerous. Consequences of cyberbullying can include poor academic performance, school dropout, physical violence, and suicide, and it is a method of bullying that is frequently hidden from adults (Willard, 2006a). According to Patchin and Hinduja, (2008), cyberbullying is linked to serious effects such as low self-esteem, family problems, academic problems, school violence, and delinquent behavior. However, the worst consequences are suicide and violence. While cyberbullying has some of the same negative impacts as traditional face-to-face bullying, it can be done without any physical contact or knowledge of the perpetrator’s identity (Willard, 2006). These random acts of harassment go well beyond the scope of traditional face-to-face bullying because unlike traditional bullying, cyberbullying can occur not only at school, but in the home and any place where technology is accessible (Shariff & Hoff, 2007; Stover, 2006; Strom & Strom, 2005). Studies have suggested that although it may occur less frequently than face-to-face bullying, up to 70% of students in the United States have experienced cyberbullying (Juvonen & Gross, 2008; Wang, Iannotti, & Nansel, 2009). Therefore, there is a need for further studies to obtain a conceptualized view on the number of students across the United States and beyond who have experienced some form of cyberbullying.

#### Colleges and universities should restrict cyberbullying

**Cornwell 12** [Paige Cornwell (collegiate correspondent), "Cyberbullying remains an issue on campus," USA Today, 2/23/2012]

According to the Cyberbullying Research Center, half of all young people have been bullied through electronic means. In a study conducted at Indiana State University, 22% of college students reported being cyberbullied, while 9% reported cyberbullying someone else, according to the school’s news release. Kansas University student Erica Austin said cyberbullying isn’t something college students grow out of. “I would say cyberbullying is an issue on all school campuses, whether it be elementary or college.” Austin said. “I think that on college campuses it is often not seen or heard so it gets overlooked, probably because college students are older and do not tell many people what is going on. Or they keep it to themselves because they feel they can handle it.” Students interviewed agreed that that, though progress has been made, universities can still do more to prevent cyberbullying for its students. “With all this technology being so new-age and at the tip of a person’s fingers, it could be a bigger problem,” Carmona said. “Just one that isn’t broadcast around.”

## 2NC

### 2NC: Competition

#### Cyber-bullying is constitutionally protected—but harms justify restrictions by colleges- more laws prove

**Short 14** [Aaron Short, "Cyberbullies get First Amendment Protection," New York Post, 7/1/2014] AZ

Bullies hiding behind computer screens now have the First Amendment to protect them. The state’s highest court on Tuesday struck down an Albany County law that criminalized cyberbullying, crimping government efforts to crack down on electronic harassment. In a 5-2 ruling, the Court of Appeals ruled that the local law was “overbroad” and trampled free-speech rights of online tormentors. “Although the First Amendment may not give defendant the right to engage in these activities, the text of Albany County’s law envelops far more than acts of cyberbullying against children by criminalizing a variety of constitutionally protected modes of expression,” the decision said. County legislators passed the law in response to an Albany-area teen who created a Facebook page to harass and embarrass classmates in 2010. The ruling will force New York City’s lawmakers to change tactics. “I’m not happy with the court’s decision,” said City Councilman Mark Weprin (D-Queens). “Your right to throw a punch ends at someone else’s nose and I think your right to post an insult should end where it affects a child’s mental state.” But free-speech advocates say making cyberbullying a crime won’t stop thuggish kids from picking on their victims. “Cyberbullying is a serious concern that all communities must confront, but there are better and more constructive ways to address the problem than giving children criminal records,” said NYCLU attorney Corey Stoughton, lead counsel on the case. “Communities across New York and the nation should take note that criminalizing First Amendment activity is unlawful and does nothing to address the causes of bullying or prevent it from taking place,” he said. A 2011 city Health Department study found 18 percent of high school students were bullied on school property and 16 percent were victims of cyberbullying. A state law that went into effect the following year required city schools to report bullying episodes. But 80 percent of schools reported no incidents during the 2012-2013 school year. Schools Chancellor Carmen Fariña told principals that bullying appeared “pervasive” in city schools after a 14-year-old stabbed his tormentor at a Bronx middle school last month. She promised to hire extra guidance counselors and coordinate with hospitals to address harassment. Council members are also considering legislation requiring the city to offer anti-bullying instruction in public schools. And Weprin said he would seek additional solutions to stop online oppression. “Hopefully we will get a chance to come up with laws that pass the test the Court of Appeals has set while still treating cyberbullying as strictly as possible,” he said.